

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:04CV27**

**MINUTE MAN ANCHORS, INC., )**

**Plaintiff, )**

**Vs. )**

**OLIVER TECHNOLOGIES, INC., )**

**and JAMES OLIVER, an )**

**individual, )**

**Defendants. )**

**ORDER**

**THIS MATTER** is before the Court on the Defendants' motion for reconsideration of the Order of July 19, 2006, or, in the alternative, for an extension of time.

The Court erroneously assumed that the Plaintiff's motion for summary judgment had been filed in accordance with the deadlines imposed by the Pre-trial Order and Case Management Plan. Defendants are correct, however, that the Plaintiff has prematurely filed a motion for summary judgment. As a result, the motion for summary judgment will be stricken. Included in the motion is the Plaintiff's response to the

Defendants' opening brief in support of its claim construction. Thus, Plaintiff need not file further response.

**IT IS, THEREFORE, ORDERED** that the Plaintiff's motion for summary judgment is hereby **STRICKEN** as premature. Those portions of that motion which respond to the Defendants' claim construction will be considered by the undersigned. No further filing by the Plaintiff shall be allowed. The Defendants may file their reply in accordance with the Pre-Trial Order and Case Management Plan, that is, on or before July 31, 2006.

**IT IS FURTHER ORDERED** that absent permission from the undersigned, no party shall make any other filings in this action until such time as the Court has ruled on the pending matters.

**IT IS FURTHER ORDERED** that the Defendants' motion for reconsideration is hereby **GRANTED**, and the Order of July 19, 2006, is hereby stricken.

Signed: July 27, 2006



Lacy H. Thornburg  
United States District Judge

